

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 04-2732

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Jeffrey A. Olson,

Appellant,

v.

Bonnie Ellingboe; McCullough, Smith,  
Kempe, Williams and Cyr, P.A.,

Appellees.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: January 6, 2005  
Filed: January 25, 2005

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Before BYE, MELLOY, and COLLOTON, Circuit Judges.

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PER CURIAM.

Jeffrey Olson appeals the district court's<sup>1</sup> dismissal of his 42 U.S.C. § 1983 complaint. After de novo review, see Springdale Educ. Ass'n v. Springdale Sch. Dist., 133 F.3d 649, 651 (8th Cir. 1998), we conclude that dismissal was proper because neither defendant was acting under color of state law, see Youngblood v. Hy-Vee Food Stores, Inc., 266 F.3d 851, 855 (8th Cir. 2001), cert. denied, 535 U.S. 1017

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<sup>1</sup>The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota.

(2002). We also grant McCullough, Smith, Kempe, Williams, & Cyr, P.A.'s motion to strike.

We note that the district court enjoined Olson from filing any further lawsuits in the district court without first receiving permission from the court to do so. In these circumstances, we believe it is appropriate to modify the district court's injunction so that it prohibits Olson, without first obtaining leave of court, from filing any further lawsuits in the district court when those lawsuits involve matters related to his state-court custody and divorce proceedings. See Cromer v. Kraft Foods N. Am., Inc., 390 F.3d 812, 817-19 (4th Cir. 2004); Sassower v. Carlson, 930 F.2d 583, 584-85 (8th Cir. 1991) (per curiam).

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